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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/501,043	10/14/2004	Geir Monsen Vavik	CU-3831 RJS	3141

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12/07/2010

EXAMINER

GREGORY, BERNARR E

ART UNIT	PAPER NUMBER
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3662

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/501,043	Applicant(s) VAVIK, GEIR MONSEN	
	Examiner Bernarr E. Gregory	Art Unit 3662	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 June 2010 and 07 August 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 171-230 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 171-176, 183-185, 188, 208, 214-216, 218, 220, 222, 225, 226, 228 and 230 is/are rejected.
- 7) ☒ Claim(s) 177-182, 186, 187, 189-207, 209-213, 217, 219, 221, 223, 224, 227, and 229 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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1. This Office Action is in response to Applicant's Amendments of June 20, 2010 and August 7, 2010.

2. It is noted that in the remarks section of Applicant's Amendment of June 20, 2010 that Applicant has failed to distinctly and specifically point out how the claims define over the prior art in the rejection of record under 35 USC 102(b). Thus, the rejection of record under 35 USC 102(b) has been maintained with only the changes necessary Due to the addition of new claims 227-230.

3. It is not clear what the intention of Applicant was with the submission of the Specification of June 20, 2010. If this was intended as a Substitute Specification, it can not be entered in that it has not been properly submitted. A Substitute Specification must be submitted along with a marked-up copy showing the changes made and with a no-new-matter statement.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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5. Claims 171-176, 183-185, 188, 208, 214-216, 218, 220, 222, 225-226, 228, and 230 are rejected under 35 U.S.C. 102(b) as being anticipated by Nazarathy et al ('727).

Taking independent claim 171 first, Nazarathy et al ('727) plainly shows communication through at least one "signal medium" by means of electromagnetic signals. As a cable television system with a two-way hybrid network, Nazarathy et al ('727) is "systematic and distributed" (line 4). The recited "transponders" of claim 171 are met at least by the transponders mentioned, for example, at column 16, lines 43-59 of Nazarathy et al ('727). The claim 171 "repeaters" are necessary in Nazarathy et al ('727) to keep signal level at adequate levels. The claim 171 "coupler arrangements" would be inherent in Nazarathy et al ('727) in that there must be some sort of coupling between components or stages in a system such as in Nazarathy et al ('727). Of course, "necessary carrier frequency converters" would be present in Nazarathy et al ('727) at least to go between links operating at different carrier frequencies. The claim 171 "output level controls" (line 6) would be inherent in the Nazarathy et al ('727) transponders to keep output between the lower threshold necessary for signal detection and the upper limit of signal level that the components can tolerate. The claim 171 D/A and A/D are met by Nazarathy et al ('727) in that Nazarathy et al ('727) plainly has digital portions (e.g., see the digital fiber node in Figure 7) and has analogue portions (e.g., the output to the analogue TV receivers). In that all of the parts recited in independent claim 171 are plainly

shown in Nazarathy et al ('727), claim 171 is anticipated by Nazarathy et al ('727).

With respect to the "cable modem" in dependent claim 172, please see item 18 in Figure 7 of Nazarathy et al ('727).

As for the further limitations of dependent claim 173, plainly a system such as that in Nazarathy et al ('727) would control "signal dynamic balance."

As for the further limitations of dependent claim 174, various powered nodes in Nazarathy et al ('727) could be called "interfaces" as claimed.

The further limitations of dependent claim 175 would read on repeaters that are present in any extended optical link, as in Nazarathy et al ('727).

The further limitations of dependent claims 176, 183-185, 188, 208, 214-216, 218, 220, 222, and 225-226 are plainly met by 176, 183-185, 188, 208, 214-216, 218, 220, 222, and 225-226.

The further limitations of dependent claim 228 are within the disclosure of Nazarathy et al ('727).

The further limitations of dependent claim 230 are with the disclosure of Nazarathy et al ('727) in that any additional point could be defined as a "termination point."

6. Claims 177-182, 186, 187, 189-207, 209-213, 217, 219, 221, 223, 224, 227, and 229 are objected to as being dependent upon a rejected base claim, but would be

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allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bernarr E. Gregory whose telephone number is (571) 272-6972. The examiner can normally be reached on weekdays from 6:30 AM to 3:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas H. Tarcza, can be reached on (571) 272-6979. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Bernarr E. Gregory/
Primary Examiner, Art Unit 3662